

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 19, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEAN M. BARKLEY, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. BARKLEY thereupon assumed the chair as Acting President pro tempore.

#### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that there be 2 minutes for debate, equally divided and controlled in the usual form, following the first vote in the sequence of votes already ordered for today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask that the 90 minutes begin running and that the time be charged equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### SCHEDULE

Mr. REID. Mr. President, we hope to complete action on the homeland security bill today. Also, as soon as we finish that, hopefully, we will do the Dennis Shedd nomination, and then the terrorism insurance conference report. We can complete all that today and, of course, also, we have the must-do legislation, the continuing resolution that we have to complete today. So we have a lot of work to do today.

I also note that I have been informed that the minority will allow no extensions of time during the 90 minutes already ordered.

#### HOMELAND SECURITY ACT OF 2002—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Thompson (for Gramm) Amendment No. 4901, in the nature of a substitute.

Daschle (for Lieberman) Amendment No. 4911 (to Amendment No. 4901), to provide that certain provisions of the Act shall not take effect.

Daschle (for Lieberman) Amendment No. 4953 (to Amendment No. 4911), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. shall be divided, with 30 minutes under the control of the two leaders or their designees, and 30 minutes under the control of the Senator from West Virginia, Mr. BYRD.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, how much time do I have under the order?

The ACTING PRESIDENT pro tempore. The Senator has 28 minutes.

Mr. BYRD. I thought I had 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada asked that the time in the beginning be charged to both sides.

Mr. BYRD. OK. That is fair enough.

Mr. President, many Senators feel that they are under great pressure from the administration to pass this bill that is before us—a bill that contains 484 pages. Here it is. This is the 484-page bill that was passed by the House of Representatives—a new bill, passed by the House quickly, without adequate debate, dumped into the laps of Senators, and we contributed to our own problem by invoking cloture on the amendment last Friday. We are coming around the final lap of our 30-hour journey now. We have been unable to call up any amendments, other than the pending amendment by Mr. DASCHLE and Mr. LIEBERMAN.

As I say, many of our colleagues feel they are under great pressure from the administration to support this bill, and the White House is attempting to say that by adopting the amendment offered by Mr. DASCHLE on behalf of Mr. LIEBERMAN—the White House would have us believe and the Republican-controlled House would have Members believe that if this amendment by Mr. DASCHLE is adopted, this would mean the death of the bill. Well, I would hope that were true because I think this is a terrible bill. It has some good provisions in it, but it is a bad bill. So personally, I would hope that were true. But it is not true.

The House has a duty to return. The House has dumped this bill into the laps of the Senate and then walked away, gone home for Thanksgiving, gone home for Christmas, gone home for the year—if it can get by with it. But the House has a duty to come back and finish its work. So I hope Senators will not be moved, will not be pressured into believing that the adoption of this amendment will kill the bill. That is untrue.

Congress has not adjourned sine die yet. So we all have a duty to stay here and do our work.

I think we are going to get a pay raise very soon—perhaps early next

year—and so we can stay around and do our work. It is our duty to the people. We ought to try to improve this bill, and the amendment by Mr. DASCHLE will do that.

Do those who believe that the President—whatever party he is, Democrat or Republican—do those who believe that he is king under our Constitution—apparently some Senators here vote as though they think the President is king, although they know better than that. But still they believe they have to follow the President's direction.

The President did not bring any of us here. The President did not elect any of the Members of this body. This is an independent body. This is an independent branch of Government. This is a separate branch of Government. No President elects any Member of this body. The President is just the Chief Executive of the land. I say "just." It is a tremendous office, of course, with great power, but he is no king. And we are not sent here by our people to let the President or the White House or any party control us or dictate to us.

As a reminder of what a true Senator should be, I call attention to that ancient Roman Emperor whose name was Vespasia. He was Emperor of the Roman Empire from the years 69 to 79 A.D. A great Senator, one of the truly great Senators, was Helvidius Priscus.

For some reason, this Senator and the Emperor Vespasia got at cross-purposes, and the Emperor stopped Helvidius Priscus one day outside the Roman Senate and told him not to come in. "You can forbid me to be a Senator," said Helvidius Priscus, "but as long as I am a Senator, I must come in."

"Come in then and be silent," said the Emperor Vespasia.

"Question me not, and I will be silent," responded the Senator.

"But I am bound to question you," said the Emperor Vespasia.

"And I am bound to say what seems right to me," responded the Senator.

"But if you say it, I will kill you," the Emperor warned.

"When did I tell you that I was immortal? You will do your part, and I will do mine," responded the Senator. "It is yours to kill and mine to die without quailing."

So both did their parts. Helvidius Priscus spoke his mind. The Emperor Vespasia killed him.

In this effeminate age, it is instructive to read of courage. There are Members of the Senate and House who are terrified, apparently, if the President of the United States tells them, urges them to vote a certain way, which may be against their belief.

So in this day of few men with great courage—relatively few—let us take a leaf out of Roman history and remember Helvidius Priscus.

The Senate has rolled over with regard to the homeland security bill. The administration has sold a bill of goods to the American people that there is an